

Chapter 26.11

PROCEDURE FOR PROCESSING SUBDIVISIONS

Sections:

26.11.010	Subdivision; When Required.
26.11.030	Staff Review of Preliminary Plat.
26.11.032	Filing Preliminary Plat.
26.11.036	Hearing on Preliminary Plat.
26.11.037	Commission Action on Preliminary Plat.
26.11.038	Authority to Proceed With Improvements.
26.11.039	Requisites for Final Plat Approval.
26.11.040	Installation of Improvements.
26.11.050	Filing Final Plat.
26.11.060	Action Required on Final Plat.
26.11.070	Final Plat Filed With Register of Deeds.
26.11.080	Subdivided Land Included Within Corporate Limits.
26.11.090	Storm Drain Responsibilities.
26.11.095	Wastewater Collector Responsibilities.
26.11.097	Water Main Responsibilities.
26.11.100	Subdivision of Land Within Flood Plain.
26.11.105	Subdivision of Land Within the Airport Environs District.
26.11.110	Responsibilities for Improvements in Collector and Major Streets.
26.11.130	Survey Errors; Corrected Plats.
26.11.140	Vacation of Plat (Voiding).

26.11.010 Subdivision; When Required.

(a) It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the city, or within three miles of its corporate limits to subdivide land except in accordance with *Neb. Rev. Stat.* §§15-106 and 15-901 (Reissue 1974) and the provisions of this title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the State of Nebraska, any natural resources district, any county, the city, or any village within the jurisdiction of the city, shall be deemed to have received approval as required by *Neb. Rev. Stat.* §15-901 (Reissue 1974). This provision shall apply to all such subdivisions occurring both before and after the effective date of this section.

(b) The conveyance of portions of abandoned railroad right-of-way by a railroad or a subsequent owner of such right-of-way to abutting property owners shall not be required to comply with the otherwise applicable requirements of this title. Any such conveyance must join the right-of-way to a lot which abuts at least a portion of the conveyed right-of-way. Any such right-of-way so conveyed may not thereafter be separately conveyed or devoted to a separate use without complying with all otherwise applicable requirements for lots within the zoning district in which such right-of-way is situated.

(c) The conveyance of portions of property that have been declared surplus by any governmental agency shall not be required to comply with the otherwise applicable requirements of this title. For purposes of this subsection, a governmental agency shall include the federal government, the State of Nebraska, any natural resources district, any county, the City, or any village within the jurisdiction of the City. Any such surplus property so conveyed may not thereafter be separately conveyed or devoted to a separate use without complying with all otherwise applicable requirements for lots within the zoning district in which such surplus property is situated. (Ord. 17696 §1; July 10, 2000: prior Ord. 16327 §1; March 15, 1993: Ord. 14471 §1; August 18, 1986: Ord. 12010 §1; June 20, 1977: Ord. 11370 §1; May 19, 1975).

26.11.015 Administrative Plat.

(Repealed by Ord. 18230 §1; August 18, 2003: prior Ord. 17959 §6; January 28, 2002: Ord. 17917 §1; October 1, 2001: Ord. 17549 § 1; September 7, 1999: Ord. 17324 §1; April 20, 1998: Ord. 16073 §1; March 16, 1992: Ord. 15211 §1; July 3, 1989: Ord. 15093 §1; January 16, 1989: Ord. 14753 §1; September 14, 1987: Ord. 13157 §12; June 29, 1981: Ord. 12945 §1; June 30, 1980: Ord. 11888 §1; February 7, 1977: Ord. 11370 §1; May 19, 1975).

26.11.017 Action on Administrative Plat.

(Repealed by Ord. 18230 §2; August 18, 2003: prior Ord. 15211 §2; July 3, 1989: Ord. 14753 §2; September 14, 1987: Ord. 13157 §13; June 29, 1981).

26.11.020 Filing Preliminary Plat With Planning Director.

(Repealed by Ord. 18502 §4; February 14, 2005: prior Ord. 18230 §3; August 18, 2003: Ord. 14753 §3; September 14, 1987: Ord. 13956 §2; September 17, 1984: Ord. 13157 §14; June 29, 1981).

26.11.030 Staff Review of Preliminary Plat.

The following shall be the method of processing preliminary plats:

(a) The Planning Director shall distribute copies of the preliminary plat and accompanying data to other city departments and governmental agencies who are directly concerned with the proposed subdivision. Each department or governmental agency which is directly concerned with the proposed subdivision shall, within ten days from receipt of a copy of the preliminary plat and accompanying data, file with the Planning Director its approval of said plat or a report indicating in what manner such preliminary plat does not conform to the requirements of this title and all other rules, regulations, and standards adopted pursuant to this title over which such department has administrative responsibility. (Ord. 18502 §5; February 14, 2005: prior Ord. 14565 §4; December 15, 1986: Ord. 13956 §3; September 17, 1984: Ord. 13157 §15; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.032 Filing Preliminary Plat.

Except as provided in Section 26.11.050(b) and Section 26.31.015, a preliminary plat shall be required for all subdivisions. The subdivider shall file with the Planning Director copies of the preliminary plat in the form hereinafter provided, together with copies of the owners' statement and accompanying data, the number of copies to be determined by the Planning Director. The preliminary plat shall be deemed filed on the date said plat and accompanying data is received in the Planning Director's office.

The preliminary plat may be scheduled for a hearing by the Planning Commission provided:

(a) The subdivider files a complete preliminary plat as required in Section 26.15.020 at least four Thursdays prior to the Planning Commission meeting; and

(b) The Planning Director determines that the preliminary plat substantially complies with the requirements of this title and adopted design standards.

However, no hearing shall be held by the Planning Commission until notice of said hearing has been given as provided in Section 26.11.036. (Ord. 18532 §1; April 25, 2005: prior Ord. 18502 §6; February 14, 2005: Ord. 14565 §5; December 15, 1986).

26.11.033 Modification of Procedures.

(Repealed by Ord. 18502 §7; February 14, 2005: prior Ord. 14565 §6; December 15, 1986: Ord. 13956 §4; September 17, 1984: Ord. 13399 §1; June 1, 1982).

26.11.036 Hearing on Preliminary Plat.

Hearing on the preliminary plat shall be held before the commission at a regular meeting following completion by the subdivider of the procedures in Sections 26.11.030 and 26.11.032. However, no hearing shall be held by the commission until:

(a) A notice of the time and place of the hearing is printed in a daily newspaper of general circulation within the county at least eight days prior to the date of the hearing;

(b) A notice shall be posted in a conspicuous place on or near the property being subdivided, stating that the commission will hold a hearing on the proposal to subdivide the property. Said notice shall be posted at least eight days in advance of the hearing. It shall be unlawful for any person to remove, mutilate, destroy, or change the posted notice prior to the hearing time; and

(c) The Planning Director shall cause notice of the preliminary plat to be sent to the record owners of property located within 200 feet of the property upon which action is pending when such owners' property is located within the corporate limits of the city and to the record owners of property within one-fourth mile of the property upon which action is pending when such owners' property is located outside the corporate limits of the city at the address as it appears on the last equalized assessment roll of the county or as known to the Planning Director. The notice shall be sent by regular United States mail, postage prepaid, at least ten days before the Planning Commission's first public hearing; provided that no decision or recommendation which the commission is required to make shall be void or invalidated or affected in any way, for any irregularity, defect, error, or failure on the part of the Planning Director to cause notice to be given to each owner of record. (Ord. 18502 §8; February 14, 2005: prior Ord. 15765 §1; October 29, 1990: Ord. 15673 §1; July 23, 1990: Ord. 15211 §4; July 3, 1989: Ord. 14565 §7; December 15, 1986: Ord. 13956 §5; September 17, 1984: Ord. 13157 §17, June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.037 Commission Action on Preliminary Plat.

If after public hearing the commission finds the proposed preliminary plat complies with the requirements of this title, it shall approve the preliminary plat. The approval of the preliminary plat shall not constitute authority for the subdivider to sell the individual lots.

If a governmental agency, other than the city, which is directly concerned with the proposed subdivision with respect to schools, parks, playgrounds, fire stations, libraries, and other common areas for public use, failed to file with the Planning Director its approval of or a report on the preliminary plat, the commission may withhold its approval or disapproval of the preliminary plat until such agency's approval or report is filed.

If after public hearing the commission finds that the proposed preliminary plat does not satisfy the requirements of this title, it shall specify in writing in the minutes of the hearing the objections to the proposed preliminary plat. The commission may disapprove or approve the proposed preliminary plat upon the condition that the subdivider makes specific changes in the proposed preliminary plat which will remove the objections and bring the proposed preliminary plat into compliance with this title.

The action and findings of the Commission on the preliminary plat after public hearing shall be filed with the City Clerk, and the person offering the proposed preliminary plat within seven days from the action by the Planning Commission. One copy of the proposed preliminary plat and findings shall be retained by the commission as part of its official records.

The subdivider, any council member, the Planning Director, the Public Works and Utilities Director, or any aggrieved person may appeal any action of the commission to the City Council as provided in Section 26.31.010.

If any final plat on all or a portion of the approved preliminary plat is submitted five years or more after the effective date of the preliminary plat, the city may require that a new preliminary plat be submitted, pursuant to all the provisions of this chapter. A new preliminary plat may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations. (Ord. 18634 §1; October 24, 2005: prior Ord. 18455 §1; October 11, 2004: Ord. 18230 §4; August 18, 2003: Ord. 14565 §8; December 15, 1986: Ord. 13956 §6; September 17, 1984: Ord. 13157 §18; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.038 Authority to Proceed With Improvements.

Approval of the preliminary plat shall constitute authority for the subdivider to proceed with plans, profiles, and specifications for the grading and land preparation, submission of the final plat, and the installation of all required improvements. No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work. No utility or improvement shall be installed or constructed until the area to be developed has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of the land to be developed has been completed in conformance with the grading shown on the preliminary plat, the drainage study, and the final street grades. In addition, no utility or improvement shall be installed or constructed within the Acreage Development Component of a community unit plan located in the BTA Overlay

District until the entire area of the Acreage Development Component has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of all the land within the Acreage Development Component has been completed in conformance with the grading shown on the transitional preliminary plat, the drainage study and the final street grades. The Director of Public Works and Utilities may approve the grading, installation, and construction in phases. Also, no utility or improvement shall be installed or constructed until the plans, and if appropriate profiles and specifications, are prepared by the appropriate city department or submitted by the subdivider to the appropriate city department and other governmental agencies required by law, and approval is granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks, public water systems, public wastewater works, storm drains, and drainage systems, land preparation and grading, and temporary turnarounds not prepared by the city engineering staff shall be submitted to the Department of Public Works and Utilities for approval. Plans, profiles, and specifications for community water systems and community wastewater works shall be reviewed and approved pursuant to Section 26.11.040(d) of this title. Individual water well systems and on-site wastewater treatment systems shall be submitted to the City-County Health Department for approval. Plans and specifications for landscape screens and trees shall be submitted to the Planning Director for approval. Plans and specifications for electrical distribution systems and street lighting shall be prepared by the Lincoln Electric System (LES) unless the subdivider requests and receives permission from LES to use a private consulting engineer, then the plans and specifications shall be submitted to LES for approval. The plans and specifications for street name signs shall be prepared by the Department of Public Works and Utilities. The plans and specifications for the grading and land preparation, paving, street surfacing, public water system, public wastewater works and storm drains shall be prepared by a professional engineer or architect registered in the State of Nebraska.

Installation of utilities and improvements may be allowed on all or a portion of the proposed subdivision prior to the approval of the final plat. Street surfacing, public water systems, public wastewater works, and public street lighting shall not be installed or constructed until authorized by executive order of the Mayor or ordered constructed by the city through an assessment district. Storm drainage systems shall not be installed or constructed until authorized by executive order of the Mayor.

The design and installation of each utility and other improvements shall be in strict accordance with the design standards for that utility or other improvement. Design standards for utilities and other improvements shall be on file with and available from the City Clerk. (Ord. 18502 §9; February 14, 2005; prior Ord. 18455 §2; October 11, 2004: Ord. 18230 § 5; August 18, 2003: Ord. 18187 §1; June 2, 2003: Ord. 17959 §7; January 28, 2002: Ord. 17617 §2; February 22, 2000: Ord. 17052 §1; August 26, 1996: Ord. 16950 §3; March 11, 1995: Ord. 16431 §1; July 26, 1993: Ord. 14565 §9; December 15, 1986: Ord. 13157 §19; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.039 Requisites for Final Plat Approval.

Before any final plat may be approved, provisions for the installation of the minimum improvements set out in Chapter 26.27 shall be made in one of the following manners:

(a) Improvements have been installed and approved. This is the only method available for community wastewater works and community water systems.

(b) Petitions for assessment districts and if necessary formal petitions with required signatures, have been filed with the Planning Director. Such assessment districts may be created for public improvements within the corporate limits of the city at the sole option of the city, and

shall be used for only the completion of street paving, public water systems, public wastewater works, and street lighting. Provided, however, the approved final plat shall not be recorded in the office of the Register of Deeds until the city has created all such petitioned assessment districts.

(c) A bond, escrow, or security agreement approved by the City Law Department has been furnished in an amount sufficient to guarantee the installation of the required improvements which may be installed without an executive order issued by the Mayor authorizing the construction of said improvements.

(d) An executive order has been issued by the Mayor authorizing the construction of public streets, public water, public sanitary sewer, public storm drainage, and public ornamental street lighting.

(e) A cash contribution to the City has been furnished in an amount sufficient to pay the cost to install sidewalks and street trees along major streets that have not been improved to an urban cross section. When there is not adequate space along the major street for the installation of street trees a surety shall be required as stated in (c) above. The cash contribution shall be held and spent only to fund installation of street trees and sidewalks abutting said final plat in conjunction with construction of the major street(s) to an urban cross section. The cash contribution will be deposited in the Street Construction Fund in a separate project account for each final plat for which a cash contribution has been furnished to install sidewalks and street trees along such major street.

(f) A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on final plats with ten or fewer lots. Said cash contribution to be used to pay for the planting of street trees by the Parks and Recreation Department..

(g) An agreement is signed by the subdivider guaranteeing that on-site wastewater treatment systems and individual water well systems will be approved by the City-County Health Department before a building permit is issued and are completed before an occupancy permit is issued.

Prior to the approval of the final plat, the appropriate city department shall estimate the cost of completing the improvements. The surety amount for sidewalks shall be twenty-five percent of the estimated cost of construction, excluding sidewalks along major streets. The amount of the bonds or escrow or security agreement shall be established by the city and may be increased or decreased according to current conditions. If the amount of the bond or escrow or security agreement is less than the actual cost of the installation of the improvements, the subdivider shall be responsible for the payment of any such additional costs of the improvements. No surety bond or other security shall be accepted unless:

(1) It is enforceable by or payable to the city;

(2) It provides that any extension of time, change, alteration, or addition, which may be approved by the city for construction or completion of the improvement for which the bond is given, shall in no manner affect or relieve the obligation of the surety, regardless of whether or not the surety is given notice of any such extension of time, change, alteration, or addition;

(3) It cannot be terminated without written authorization of the Mayor;

(4) It is written by a corporate surety company authorized to do business in the State of Nebraska, or approved security deposits have been made to an institution licensed to do business in the State of Nebraska; and

(5) It is a form with surety and conditions approved by the City Attorney. (Ord. 18502 §10; February 14, 2005: prior Ord. 17978 §1; April 1, 2002: Ord. 17959 §8; January 28, 2002: Ord. 14565 §10; December 15, 1986: Ord. 13157 §20; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.040 Installation of Improvements.

Improvements shall be installed as follows:

(a) Sidewalks along non-major streets shall be installed prior to the City issuing an occupancy permit or within four years following final plat approval, whichever occurs first. The Planning Director may waive sidewalks along outlots reserved for future development.

(b) Sidewalks within pedestrian ways shall be installed at the same time the adjacent streets in the final plat are surfaced.

(c) Sidewalks along major streets that have not been improved to the urban cross section shall be installed prior to or as part of the improvement of the street to the urban cross section.

(d) Sidewalks along major streets improved to urban cross section shall be installed within two years of final plat approval.

(e) Sidewalks along outlots not reserved for future development shall be installed at the same time the adjacent streets in the final plat are surfaced.

(f) Street trees along major streets shall be installed at the same time the adjacent street is improved to urban cross section. If the major street is built to urban cross section, the street trees shall be installed within two years of final plat approval. Street trees along non-major streets shall be installed within four years of final plat approval. The Planning Director may waive street trees along outlots reserved for future development.

(g) Street trees along outlots not reserved for future development shall be installed at the same time the adjacent street is surfaced.

(h) Street lights on the side of the streets and private roadways within and which abut the subdivision except along major streets, land preparation, and landscape screens shall be installed within two years of final plat approval.

(i) Community wastewater works and community water systems constructed and approved shall be installed as specified below prior to final plat approval. The wastewater treatment and discharge system and the water supply, collection, treatment, and storage shall be constructed to the satisfaction of the State of Nebraska. The wastewater collection system and the water distribution system shall be constructed to the satisfaction of the Director of Public Works and Utilities. The Director of Public Works and Utilities may as an option accept a certification from a registered professional engineer that the wastewater collection system and the water distribution system was completed in accordance with the City of Lincoln design standards.

(j) On-site wastewater treatment systems and individual water well systems shall be completed in accordance with the rules and regulations of the Health Department at the time improvements are constructed on the lot.

(k) All other improvements listed in Chapter 26.27 shall be installed within the period established by the city not exceeding two years from final plat approval.

Whenever twenty-five, fifty, or seventy-five percent or more of the value of any required improvement, except street trees and landscape screens, within the final plat has been completed, the penal amount of the original bond or other security required for said improvement may be reduced by twenty-five, fifty, and seventy-five percent, respectively; provided that such reduction does not reduce the penal amount of the bond or other security to an amount less than one hundred ten percent (110%) of the estimated cost of the work remaining to be completed.

Whenever fifty or seventy-five percent or more of the value of street trees within the final plat has been completed as required, the penal amount of the original bond or other security required for said improvement may be reduced by fifty or seventy-five percent, respectively, provided that such reduction does not reduce the penal amount of the bond or other security to an amount less than

one hundred ten percent (110%) of the estimated cost of the work remaining to be completed. (Ord. 18502 §11; February 14, 2005: prior Ord. 17959 §9; January 28, 2002: Ord. 17073 §1; October 21, 1996: Ord. 16950 §4; March 11, 1996: Ord. 14565 §11; December 15, 1986: Ord. 13956 §7; September 17, 1984: Ord. 13591 §1; May 9, 1983: Ord. 13157 §21; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.050 Filing Final Plat.

(a) A subdivider may file a final plat which conforms to a proposed preliminary plat or an approved preliminary plat which is still in effect as set out in Section 26.11.037. The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the standards for development set out in Chapter 26.23 hereof. The subdivider shall file with the Planning Department the final plat and in addition thereto the number of copies required by the Planning Director, together with the following:

(1) Prior to the approval of the final plat by the Planning Director, the subdivider shall provide a statement from the County Treasurer's office showing that, according to their records, there are no delinquent taxes against the land within the proposed subdivision or any part thereof, and there are no liens for taxes which have been levied but which are not yet delinquent upon any buildable lot, street, or other property to be dedicated for public use, or outlot which is not reserved for future development. The subdivider shall also provide a statement from the County Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. The city shall assume no responsibility for any tax or special assessment liability on the property to be subdivided, and approval of said final plat shall not be construed as either an approval of or act as a waiver of the enforcement of all applicable statutes and ordinances with regard to the collection of taxes and special assessments on the proposed subdivided property or any part thereof. All taxes and special assessments must be paid in full on all real property dedicated in fee to a public use. The subdivider shall also obtain from the County Assessor's office a list of new account numbers for the purpose of assessment of taxes against all buildable lots and outlots not reserved for future development within the proposed subdivision.

(2) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the city, showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the City Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the city of said change in ownership. The city shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said final plat shall not be construed as approval of the title of the proposed subdivision or any part thereof.

(3) Whenever property is subdivided with the intention that it will have a use other than permitted by the district in which such property is located as designated on the then existing Lincoln zoning district maps, such use shall be stated. No final plat shall be approved unless or until it complies with Title 27 of this code.

(b) A subdivider may file a final plat without an approved preliminary plat and the Planning Director is hereby empowered to approve such a final plat under the following conditions:

(1) No new street or private roadway is accepted or needed within the area of the new lots, except in the sole discretion of the Planning Director, private roadways which will serve

only the proposed subdivision may be accepted within industrial or commercial districts when the Director is satisfied that public streets are not desirable or necessary, every lot fronts upon and takes access to the private roadway or public street, adequate internal circulation exists, City design standards for private roadways are met, and provisions have been made for the proper and continuous maintenance of the roadway in accordance with the provisions of this title.

(2) Required easements for utilities, drainage, and any other improvement as found in this title shall be provided. If proper provisions for any required utility, drainage, and any other improvement as found in this title cannot be made, the plat shall be disapproved.

(3) The Planning Director may require the posting of bonds or an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of required improvements as found in this title. Said improvements shall be completed within the same time limits as provided for in Section 26.11.040.

(4) The subdivider shall submit such information as set forth in Sections 26.15.015, 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning Director.

(5) Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.

(6) (i) Prior to the approval of the plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the City Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.

(ii) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the city showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the City Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the city of said change in ownership. The City shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof.

(7) The plat shall be in accordance with the comprehensive plan except that there shall be no dedication of land required for street right-of-way purposes under the following conditions:

(i) The land involved in the plat has previously been subdivided or platted in accordance with the then applicable subdivision ordinances and procedures of the City.

(ii) The maximum lot size for any one lot created by the proposed plat does not exceed 15,000 square feet.

(8) The plat shall be in accordance with all the development standards of this title, except that a lot may have a maximum depth of five times its width under the following conditions:

(i) The land involved in the plat is zoned O-1, O-2, O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 district;

(ii) The minimum lot frontage of lots created by the proposed administrative plat is 100 feet or more.

(9) The subdivider shall submit an accurately drawn plat showing the proposed lots including the length of each lot line and its angle of deflection. Affixed to the plat shall be a certificate signed by a registered land surveyor certifying that each proposed lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked.

(10) The form of the plat shall be as provided in Chapter 26.19 except the approval certificate will be signed by the Planning Director.

(c) If the time period between the effective date of the approved preliminary plat and the date the final plat is submitted exceeds five years and the required improvements have not been installed pursuant to a written authorization from the Mayor by executive order, the subdivider may, prior to preparing the final plat, request a written opinion from the Planning Director as to whether the conditions of approval and the approved preliminary plat are still in compliance with the subdivision ordinance, design standards, and required improvements. The Planning Director shall submit to the subdivider a written response indicating whether the conditions of approval and the approved preliminary plat are still in compliance with the current subdivision ordinance, design standards, and required improvements. If the preliminary plat is not in compliance, the Planning Director shall list the items of noncompliance and may require that a new preliminary plat be submitted by the subdivider pursuant to all of the provisions of this title. (Ord. 18230 §6; August 18, 2003: prior Ord. 17052 §2; August 26, 1996: Ord. 16431 §2; July 26, 1993: Ord. 16073 §2; March 16, 1992: Ord. 14565 §12; December 15, 1986: Ord. 13157 §22; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.055 Final Plat Fee.

(Repealed by Ord. 17917 §3; October 1, 2001: prior Ord. 17549 § 3; September 7, 1999: Ord. 15211 §5; July 3, 1989: Ord. 13157 §23; June 29, 1981).

26.11.060 Action Required on Final Plat.

(a) Upon receipt of the final plat, the Planning Director shall cause copies of the proposed final plat and accompanying documents to be distributed to the Director of Public Works and Utilities and other city departments and governmental agencies who are directly concerned with the subdivision.

(b) Each department or governmental agency which is directly concerned with the proposed subdivision shall, within ten days from receipt of a copy of the final plat, file with the Planning Director its approval of said plat or a report indicating in what manner such final plat does not conform to the requirements of this title and all other rules, regulations, and standards adopted pursuant to this title over which such department has administrative responsibility.

(c) Within fifteen days from receipt of all the above reports, the Planning Director shall notify the subdivider in writing of the recommended approval, conditional approval or disapproval of the final plat based upon a review of the recommendations of the various departments and the Director's own review of the design of the subdivision. If the Director finds that the final plat should be conditionally approved, the notification shall set forth all conditions of approval and the amount of all bonds or escrow of security agreements necessary to insure installation of all required improvements. The Planning Director shall also furnish the subdivider a subdivision agreement to be executed by the subdivider wherein the subdivider agrees to comply with all conditions of approval and further agrees to construct the required improvements as provided therein. Upon receipt of the fully executed subdivision agreement and acceptance of the required sureties by the Law Department, the Planning Director shall sign the final plat, thereby indicating that the final plat

has been approved and it substantially conforms to the approved preliminary plat and the requirements of this title at the time of approval of the preliminary plat and that all approved offers of dedication are accepted. If the final plat does not substantially conform to the approved preliminary plat, the Planning Director shall disapprove the final plat.

(d) Except for those plats that meet the requirements of Section 26.11.050(b), any council member or aggrieved person may appeal any action of the Planning Director to the Planning Commission, and any decision of the Planning Commission to the City Council by filing notice of an appeal within fourteen days following the action being appealed. The appeal of the Planning Director's action shall be filed with the Director, and the appeal of the Planning Commission's action shall be filed with the City Clerk. In exercising its appellate jurisdiction, the action appealed from shall be deemed advisory and the Planning Commission or City Council may make such decision as ought to be made. If the Planning Commission approves a final plat and its action is not appealed to the City Council, the final plat shall be signed by the Chairman of the Commission. If the City Council approves a final plat after the appeal of the denial of such a plat by the Commission, no further action shall be required by the Commission to approve such a plat. After approval thereof by the City Council, the plat shall be returned to the Planning Department for signing by the Chairman of the Commission. Thereafter, such plat shall be processed in accordance with the procedures set forth in Section 26.11.070. (Ord. 18634 §2; October 24, 2005: prior Ord. 18502 §12; February 14, 2005; Ord. 18230 §7; August 18, 2003: Ord. 17052 §3; August 26, 1996: Ord. 16950 §5; March 11, 1996: Ord. 16431 §3; July 26, 1993: Ord. 14565 §13; December 15, 1986: Ord. 13157 §24; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.070 Final Plat Filed With Register of Deeds.

No plat shall be filed for record or recorded in the office of the Register of Deeds of Lancaster County, and no lot shall be sold from such plat unless and until:

(a) Such plat has been approved by the Planning Director, or in the event of an appeal, by the Planning Commission or City Council;

(b) Provision for the installation and construction of all required minimum improvements as provided in Section 26.11.039 have been fulfilled;

(c) The subdivider has submitted to the Planning Director the recording fee.

Thereafter, the approved final plat and a copy of the accepting resolution, if any, certified by the City Clerk, along with all required agreements, shall be filed and recorded in the office of the Register of Deeds of Lancaster County, Nebraska. Thereupon such final plat shall be equivalent to and operate as a deed in fee simple to the City or Lancaster County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as herein set apart for public and city use. The Planning Director shall have the responsibility for transmitting to the office of the Register of Deeds the approved final plat and any other data that must be recorded. (Ord. 18230 §8; August 28, 2003: prior Ord. 16431 §4; July 26, 1993: Ord. 14753 §4; September 14, 1987: Ord. 13157 §25; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.080 Subdivided Land Included Within Corporate Limits.

All subdivisions now or hereafter laid out adjoining or contiguous to the corporate limits of the city, shall be included within the corporate limits as provided in *Neb. Rev. Stat.* §15-106, and be and become thereupon a part of such city for all purposes whatsoever and the inhabitants of such

addition shall be entitled to all the rights and privileges and subject to all laws, ordinances, rules, and regulations of the city. (Ord. 13403 §1; June 7, 1982; prior Ord. 11370 §1; May 19, 1975).

26.11.090 Storm Drain Responsibilities.

The subdivider shall be responsible for the entire cost and expense for the construction of all storm drain systems; provided, however, that the city, through the City Council, may agree to contribute to and pay up to one-half the difference in cost as determined at the time of approval between the storm drain system requiring a storm drain thirty-six inches in diameter and one requiring a storm drain over thirty-six inches in diameter for plats located within the city limits, or to be annexed with final plat approval. City contributions shall be limited to the available funds appropriated for such purposes in the current fiscal year's budget; provided if requests for such subsidies exceed available funds appropriated for such purposes, the City Council may establish by resolution, a system of priorities upon which to base city contributions. The dollar amount of city participation for a particular subdivision shall be certified to the Commission by the Director of Public Works and Utilities prior to the date of approval of the final plat of such subdivision and shall be set forth in the Commission resolution approving such final plat. The city's agreement to make such a contribution shall lapse if the storm drains are not constructed by the subdivider within two years after the date of approval of the final plat of the subdivision. The subdivider shall be responsible for the installation and maintenance of open ditches for surface drainage where permitted. (Ord. 16950 §6; March 11, 1996; prior Ord. 16431 §5; July 26, 1993; Ord. 13157 §27; June 29, 1981; Ord. 12544 §1; April 2, 1979).

26.11.095 Wastewater Collector Responsibilities.

The subdivider shall be responsible for the entire cost and expense for the construction of all wastewater collector systems; provided, however, if the collector serves other land upstream beyond the subdivision, the city may agree to contribute to and pay up to the difference in cost between an equivalent eight-inch diameter pipe system and the required size pipe system. This contribution is only available to plats located within the city limits or annexed with final plat approval. The dollar amount of city participation for a particular subdivision shall be certified to the Commission by the Director of Public Works prior to the date of approval of the final plat of such subdivision and shall be set forth in the Commission resolution approving such final plat. The city's agreement to make such a contribution shall lapse if the construction is not completed by the subdivider within two years after the date of approval of the final plat of the subdivision. (Ord. 16431 §6; July 26, 1993; prior Ord. 13956 §8; September 17, 1984; Ord. 13157 §28; June 29, 1981).

26.11.097 Water Main Responsibilities.

The subdivider shall be responsible for the entire cost and expense for the construction of all water main systems; provided, however, if the city requires a larger main for the city's feeder main network, then the city may pay the difference in cost between the size pipe system required for the larger feeder main network and the size pipe system that would be required by the design standards to serve the subdivision. This contribution is only available to plats located within the city limits or annexed with final plat approval. The dollar amount of city participation for a particular subdivision shall be certified to the Commission by the Director of Public Works and Utilities prior to the date of approval of the final plat of such subdivision and shall be set forth in the Commission resolution approving such final plat. The city's agreement to make such a contribution shall lapse if the construction is not completed by the subdivider within two years after the date of acceptance

of the final plat of the subdivision. (Ord. 16950 §7; March 11, 1996: prior Ord. 16431 §7; July 26, 1993: Ord. 13956 §9; September 17, 1984: Ord. 13157 §29; June 29, 1981).

26.11.100 Subdivision of Land Within Flood Plain.

There shall be no platting or subdivision of land allowed by the city within the area defined as a flood plain unless the following conditions are met:

(a) It is determined by the city after receipt of additional hydrological or grade studies from the subdivider or appropriate federal or state agencies that the lands to be developed are no longer subject to be covered by flood water of a 100-year frequency flood.

(b) The city finds that the proposed development complies with Chapter 26.23 of this title, and the city grants approval as provided herein.

(c) The location, grade, and flood-proofing of all proposed utilities which are to be extended into or through any portion of the flood plain to serve the proposed development shall first be approved by the city, prior to the extension of such utilities into the flood plain area.

If the subdivider of land located within a flood plain is granted approval to subdivide by the city, it shall not be necessary for the subdivider to make an application for a special permit to be approved by the city as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the subdivider has received all such approvals as may be required by the foregoing resolutions by virtue of subdivision approval.

If the city, at the time of platting, agrees to create special assessment districts, agreements to prohibit future connections to water mains and wastewater collectors to serve any land still subject to being inundated by flood water shall be made between the subdivider and city. The subdivider shall pay the entire cost of the necessary construction and necessary flood-proofing of such public utilities which may be constructed by special assessment districts when said utilities traverse any land subject to being inundated by flood water in order to serve the land within the proposed subdivision.

The subdivider shall obtain the approval of the Director of Public Works and Utilities for any modifications in the location or design of the borrow area within the flood plain. (Ord. 16950 §8; March 11, 1996: prior Ord. 13157 §30; June 29, 1981: Ord. 12270 §2; May 1, 1978: Ord. 11858 §1; December 13, 1976: Ord. 11370 §1; May 19, 1975).

26.11.105 Subdivision of Land Within the Airport Environs District.

All platting and subdivision of land within the Airport Environs District shall be conditioned upon compliance with all terms and conditions of Chapter 27.58. (Ord. 13414 §14; June 14, 1982).

26.11.110 Responsibilities for Improvements in Collector and Major Streets.

The subdivider shall be responsible for the entire cost and expense for the construction of a collector street within the subdivision; provided, however, if the collector street serves other land beyond the subdivision, then the city may agree to contribute up to the difference in cost between an equivalent local street paving and the collector street paving. This contribution is only available to plats located within the city limits or annexed with final plat approval. The city's agreement to make such a contribution shall lapse if the construction is not completed by the subdivider within two years following final plat approval. (Ord. 18502 §13; February 14, 2005: prior Ord. 16950 §9; March 11, 1996: Ord. 16431 §8; July 26, 1993: Ord. 13956 §10; September 17, 1984: Ord. 13157 §31; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.130 Survey Errors; Corrected Plats.

In the event that a survey error is found at any time after the filing of the final plat with the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter, the subdivider shall immediately proceed to cause the survey error to be corrected. Building permits on any or all of the lots within the subdivision may be withheld and the city may take such other action it deems appropriate to obtain the correction of the survey error. The subdivider shall submit to the Planning Director a corrected final plat and an explanation letter setting forth the corrections. The Planning Director shall transmit the corrected final plat and the letter of explanation to the Director of Public Works and Utilities. The Director of Public Works and Utilities shall review and return comments to the Planning Director. After such approval, the Planning Director shall then file the approved and corrected final plat in the office of the Register of Deeds. The recording fee shall be paid in advance by the subdivider and submitted to the Planning Director. The name of the corrected final plat shall be "A corrected plat of (the name of the said subdivision)." The word "replat" shall not be used. The corrected plat shall comply with Chapter 26.19, this code, and the conditions of the original plat as approved by the City. (Ord. 18230 §9; October 18, 2003: prior Ord. 17917 §4; October 1, 2001: Ord. 17549 § 4; September 7, 1999: Ord. 16950 §10; March 11, 1996: Ord. 16431 §9; July 26, 1993: Ord. 13157 §32; June 29, 1981).

26.11.140 Vacation of Plat (Voiding).

The owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat. The Planning Commission shall review the request and make a recommendation to the City Council. The City Council may then set forth conditions it deems appropriate and approve the vacation. After the vacation is approved by the city, the City Clerk shall then file the ordinance approving the vacation in the office of the Register of Deeds. Thereupon, the previous subdivision or plat shall be voided. The recording fee shall be paid in advance by the owner and submitted to the City Clerk. (Ord. 13157 §33; June 29, 1981).